

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, March 3, 2008

Division Two

A115096/A115569 – Marvin Remich v. Mario M.S.B. Feusier.

The September 14, 2006 judgment and the October 4, 2006 order awarding attorney fees are affirmed. Feusier shall recover his costs on appeal. Richman, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A117981 – Eve Del Castello v. Alameda County Transit Parking Enforcement Center.

The appeal is dismissed as moot. Each party shall bear its own costs on appeal. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Division Four

A116189 – City and County of San Francisco v. All Persons Interested in the matter, Katherine Roberts, Trees Not Cars, Music Concourse Community Partnership. Save Golden Gate Park et al. v. City and County of San Francisco; Music Concourse Community Partnership, R.P.I.

The order denying Trees's motion for attorney fees is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Division Five

A114805/A115841/A115950 – Northwest Energetic Services, LLC v. California Franchise Tax Board.

By the Court: It is ordered that the opinion filed herein on January 31, 2008, be modified as follows: (See Order.) This modification effects a change in the judgment. The petition for rehearing is denied. Jones, P.J. (Certified for Publication.)

A117190 – In re Julio C., a Person Coming Under the Juvenile Court Law. The People v. Julio C.

The section 12022(b) enhancement as to the ADW count is stricken. The matter is remanded to the juvenile court with directions to redetermine the maximum term of confinement and clarify its intention regarding parental reimbursement for the minor's support and legal costs. Simons, Acting P.J. We Concur: Needham, J., Stevens, J.* (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, March 4, 2008

Division One

A120283/A120284 – Margarita V., et al. v. The Superior Court of San Mateo County; San Mateo County Human Services Agency et al., R.P.I.

The petitions for extraordinary writ are denied on the merits. (See Cal. Const., art. VI, ' 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The decision is final in this court immediately. (Cal. Rules of Court, rule 8.264(b)(3).) Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A114243 – The People v. Stephen Mann Jeffries.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A115122/A116506 – Holly D. Warneck v. Michael J. Robertson et al.

The judgment after court trial and the order awaiting fees and costs are affirmed. Kline, P.J. We Concur: Haerle, J., Richman, J. (Not for Publication.)

A114895 – The People v. Nyah Kep Abrahams.

The appeal is dismissed. Kline, P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

A116179 – The People v. Richard Leroy Wilks.

The judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

A116635 – Michelle M. Salazar v. Livermore Valley Joint Unified School District.

The judgment is affirmed. Costs on appeal are awarded to defendant Livermore Valley Joint Unified School District. Kline, P.J. We Concur: Haerle, J., Richman, J. (Not for Publication.)

A113111 – The People v. Alvin Smart.

A119279 – In re Alvin Smart on Habeas Corpus.

By the Court: It is ordered that the opinion filed herein on February 15, 2008, be modified as follows: (See order.) This modification does not effect a change in the judgment. Appellant's petition for rehearing is denied. Kline, P.J. (Not for Publication.)

Wednesday, March 5, 2008

Division One

A118541 – Terry D. Buller v. Sutter Health et al.

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Certified for Publication.)

**A119029 – In re Gavin S., a Person Coming Under the Juvenile Court Law.
Humboldt County Department of Health & Human Services v. A.C. et al.**

The judgment of the trial court is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

Division Two

A114246 – The People v. Jose Luis Rivera Villeda.

The judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

A120689 – Curtis Renee Jackson v. Superior Court of California County of Alameda; People of the State of California, R.P.I.

By the Court: As Petitioner meets the predicate requirements in subdivision (a) and has satisfied the requirements under subdivision (b)(1), the trial court should have granted the motion for counsel. Let a peremptory writ of mandate issue commanding respondent to grant Petitioner's motion for appointment of counsel under Penal Code section 1405, subdivision (b). Our decision is final as to this court immediately. (See Cal. Rules of Court, rule 8.264(b)(3).) Before Kline, P.J., Haerle, J., Lambden, J. (Not for Publication.)

Thursday, March 6, 2008

Division One

A118218 – The People v. Hong Soi Lau.

The judgment is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Three

A115465 – The People v. Richard Dean Peacock.

By the Court: It is ordered that the opinion filed herein on February 29, 2008, be modified as follows: (See order.) This modification does not change the judgment. McGuiness, P.J. (Not for Publication.)

A114767 – The People v. James Byrd McQueen.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

Division Four

A118860 – Joseph Johnson v. Lilly Ann Martin et al.

The appeal is dismissed. Reardon, J. We Concur: Ruvo, P.J., Sepulveda, J. (Not for Publication.)

Friday, March 7, 2008

Division Four

A115659 – George Bauto et al. v. Best Collateral, Inc.

The trial court's order is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Division Five

A115208 – The People v. Christopher Lee Hooper.

The judgment is reversed and the matter remanded for a new trial. Simons, J. We Concur: Jones, P.J., Needham, J. (Not for Publication.)

A118179 – The People v. Robert Soto.

The order is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J.* (Not for Publication.)

A115394 – The People v. David Dave Davenport, III.

The judgment is affirmed. Stevens, J.* We Concur: Simons, Acting P.J., Needham, J. (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Monday, March 10, 2008

Division One

A114390 – The People v. Boping Chen.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A117042 – In re Antonio M., a Person Coming Under the Juvenile Court Law. The People v. Antonio M.

The disposition order of February 8, 2007, is amended to reflect a maximum commitment term of six years. As so amended, the order is affirmed. Richman, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A112442 – The People v. Michael Douglas Rogers.

The judgments are affirmed in their entirety. McGuiness, J. We Concur: Pollak, J., Siggins, J. (Not for Publication.)

Division Four

A119924 – The People v. Evangeline Butler.

The judgment is affirmed. Ruvolo, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A117209 – In re Aleshia G., a Person Coming Under the Juvenile Court Law. The People v. Aleshia G.

The order appealed from is affirmed. Rivera, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

A117090 – Philip D. Evans v. Benicia Housing Authority.

The judgment of the trial court is affirmed. Costs on appeal are awarded to respondent. Ruvolo, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A116718 – The People v. Craig Allen Ogans.

The judgment is affirmed. Rivera, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Monday, March 10, 2008

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P.J., Reardon, J., and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Christian Oliver, Bailiff.

- A117574 Robert W. Wyndelts
A117576 v.
Bruce Halvax et al.
Causes called. Michael Obrand argued for appellants Halvax et al. Kevin Block argued for respondent. Causes submitted.
- A116762 People
v.
Roddy Allen McNevin
Cause called. Richard Such argued for appellant McNevin. Donna Provenzano argued for respondent. Additional briefing permitted; appellant 10 days, respondents 10 days thereafter.
- At this point, the court reconstituted itself to include Reardon, Acting P.J., Sepulveda, J., and Rivera, J.
- A114030 People
v.
Sherrod Lamont Kearney
Cause called. Steve Condie argued for appellant Kearney. Stan Helfman argued for respondent. Cause submitted.
- A117913 John Emanuele et al.
v.
Robert H. Bisno et al.
Cause called. Craig Marcus argued for appellants Bisno et al. Elliot Bien argued for respondents. Cause submitted.

Court adjourned until 10:45 a.m.

Monday, March 10, 2008 (continued)

Division Five

A117797 – The People v. Alberto Mendoza.

The judgment of conviction and sentence are affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J.* (Not for Publication.)

A118200 – In re Timothy C., a Person Coming Under the Juvenile Court Law. The People v. Timothy C.

The order is affirmed. Simons, Acting P.J. We Concur: Needham, J., Stevens, J.* (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, March 11, 2008

Division One

A115488 – The People v. Aaron L. Apodaca.

The conviction and the indeterminate sentence on count 1 are affirmed. The indeterminate sentence on count 2 is reversed, and the matter is remanded for resentencing on count 2. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

Division Two

A116147 – Estate of Klara Szanto, Deceased. Peter Szanto v. Paul Szanto et al.

The part of the probate court's order granting respondents' petition for an order confirming transfer of trust asset is reversed. The part of the order denying appellant's section 21320 petition is affirmed. The parties are to bear their own costs on appeal. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A114443 – The People v. James Bruce Reiff.

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Four

A118938 – The People v. Justin Murice Francois.

Judgment affirmed. Reardon J. We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

A114631 – Mohammed J. Horani v. County of Alameda.

The judgment is affirmed. Ruvolo, P.J. We Concur: Reardon, J., Rivera, J. (Not for Publication.)

Division Five

A118797 – In re Alexis R., a Person Coming Under the Juvenile Court Law. Contra Costa County Children and Family Services Bureau v. Paula R.

The order terminating parental rights is affirmed. Stevens, J.* We Concur: Simons, Acting P.J., Needham, J. (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Wednesday, March 12, 2008

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Stein, Justice, Margulies, Justice, Fred Abad, Deputy Clerk, and CHP Officer Martin Fredericks, Bailiff.

- A112132 D'Ambrosio Brothers Investment Company,
 v.
 Peter O'Malley, et al.
Cause called and argued by Xavier Lavoipierre, counsel for appellant, and counsel for respondent did not appear. Cause ordered submitted.
- A117034 Estate of Kenneth S. Oswald.
 Miles Oswald,
 v.
 Hugo Oswald, et al.
Cause called and argued by Michael Low, counsel for appellant Margaret Oswald, David Bjornstrom, counsel for appellant Hugo Oswald, and Thomas Brigham, counsel for respondent. Cause ordered submitted.
- A117333 Rudy Rodriguez,
 v.
 Jetblue Airways Corporation.
Cause called and argued by John Stein, counsel for appellant, and Wesley S. Wenig, counsel for respondent. Cause ordered submitted.
- A117513 Consolidated Management Group, et al.,
 v.
 California Department of Corporation.
Cause called and argued by Joel Held, counsel for appellants, and Edward Shinnick, counsel for respondent. Cause ordered submitted.
- A118546 Steven M. Krantz,
 v.
 William M. Gwire.
Cause called and argued by William Gwire, appellant in propria persona, and Jerry Kaufman, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Wednesday, March 12, 2008

The Court reconvened at 1:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Stein, Acting Presiding Justice, Swager, Justice, Margulies, Justice, Fred Abad, Deputy Clerk, and CHP Officer Mindy LaPonte, Bailiff.

A116807 People,
v.

Andres Perez.

Cause called and argued by Oliver Northup, counsel for appellant, and Arthur Beever, counsel for respondent. Justice Marchiano granted appellant's request to file additional case cites. Cause ordered submitted.

A115368 Mark Welch,
A116517 v.

Raymond Steffen, et al..

Cause called and argued by John Carey, counsel for appellants, and John Baba, counsel for respondent. Cause ordered submitted.

Court adjourned until March 13, 2008 at 9:00 a.m.

Wednesday, March 12, 2008

Division One

A117248 – The People v. Avery Lee McQuarters.

The judgment of the trial court is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Three

A115240 – Rosalie Nuanes et al. v. Insignia Financial Group, Inc., Marshall G. Berol.

The Court: It is ordered that the opinion filed herein on February 20, 2008, be modified as follows: (See order.) There is no change in the judgment. Appellant's petition for rehearing is denied. McGuiness, P.J. (Not for Publication.)

A118500 – Tracy Frey v. City of East Palo Alto.

The judgment is reversed and the matter is remanded for further proceedings under Code of Civil Procedure section 1094.5 to determine whether, under the appropriate standards of review, the record supports the findings and discipline imposed. The City of East Palo Alto shall recover costs on appeal. Pollak, J. We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

A116952 – Patricia Mackey v. American General Life Insurance Company.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

Wednesday, March 12, 2008 (continued)

Division Four

A118056 – In re Ryan L., a Person Coming Under the Juvenile Court Law. The People v. Ryan L.

The dispositional order made on June 7, 2007, is ordered modified to fix a maximum term of confinement of 10 years. In all other respects, the judgment is affirmed. Rivera, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

A115499 – The People v. Novella Carraway.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A117533 – In re Blair R., a Person Coming Under the Juvenile Court Law. The People v. Blair R.

We affirm the jurisdictional and dispositional orders. Ruvolo, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A117517 – Richard DosRemedios et al. v. Pantheon Design & Construction et al.

The judgment is reversed. The case is remanded to the trial court for proceedings consistent with this opinion. Appellants shall recover their costs on appeal. Sepulveda, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

A116970 – The People v. Esther Perkins.

The trial court's order is affirmed. Sepulveda, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

A118848 – In re the Marriage of Joy H. Regan and Daniel J. Regan. Joy H. Regan v. Daniel J. Regan.

The order is affirmed. Wife shall recover her costs incurred on appeal upon timely application in the trial court. (Cal. Rules of Court, Rule 8.278.) The parties are each responsible for their own attorney fees incurred on appeal. Sepulveda, J. We Concur: Reardon, J., Rivera, J. (Not for Publication.)

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, March 13, 2008

The Court convened at 1:45 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Stein, Justice, Swager, Justice, Mary Quilez, Deputy Clerk, and Tammy Smith, Bailiff.

- A115292 The People,
 v.
 Randall Lewis Stonom.
Cause called and argued by Matthew Alexander Siroka, counsel for appellant and Laura Furniss, a Certified Law Student with Michele J. Swanson, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A115097 The People,
 v.
 Saul Briseno.
Cause called and argued by Paul Richard Kleven, counsel for appellant and Mark S. Howell, Deputy Attorney General, counsel for respondent . Cause ordered submitted.
- A117811 Lamonte H. Lawrence, et al. v. Deutsche Bank National Trust.
Cause called and argued by William R. Warhurst, counsel for appellants and John Alexander Sturgeon, counsel for respondent. Cause ordered submitted.
- A113760 Arthur S. Lujan, et al. v. Anna Wong, et al.
and Cause called and argued by David Maxim Balter, counsel for the Labor
A114106 Commissioner, Hina Bhagwan Shah, counsel for individual appellants, and John
 Chu, counsel for respondents.
- A115568 Chinese Progressive Association. v. Anna Wong, et al.
Cause called and argued by James Kan, counsel for appellant and John Chu, counsel for respondent.

Court adjourned.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, March 13, 2008

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Swager, Justice, Margulies, Justice, Mary Quilez, Deputy Clerk, and Tammy Smith, Bailiff.

- A116399 The People,
 v.
 Kendricks Reynard Woods.
Cause called and argued by Stephanie Lee Clark, counsel for appellant and Christopher Grove, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A115316 The People,
 v.
 Richard Travis Maki.
Cause called and argued by Mark Harold Shenfield, counsel for appellant, by teleconference and Donna Provenzano, Deputy Attorney General, counsel for respondent . Cause ordered submitted.
- A118593 Aschilew Jember, et al. v. Addis Alemu, et al.
Notice given for argument at 9:00 am. Cause called at 9:45 am. Appellants in pro per did not appear. Maureen McFadden, counsel for respondent, appeared by teleconference. Cause ordered submitted.

Court recessed until 1:45 p.m.

Thursday, March 13, 2008

Division One

A114978 – The People v. Vasega F. Tili.

The matter is therefore remanded with directions to conduct a hearing as described immediately above. If, at the conclusion of that hearing, the trial court rules for the People, the court shall re-arraign defendant for judgment and pronounce sentence on the verdict. If the trial court rules for defendant, the court shall order a new trial. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

A118015 – Katherine De Mingo v. Contra Costa County.

The order is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A117990 – In re Antonio G., et al., Persons Coming Under the Juvenile Court Law. Napa County Department of Health and Human Services v. Virginia M.

Accordingly, the order is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A115606 – The People v. James Ophus Burnette.

The judgment is affirmed. Richman, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A116729 – Vahid Razavi v. Neocase Software, Inc.

For the foregoing reasons, the judgment is affirmed. Respondent shall be awarded his costs on appeal. Kline, P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

A120022 – Julie M. v. The Superior Court of Alameda County; Alameda County Social Services Agency, R.P.I.

The order setting the section 366.26 hearing is affirmed. The writ petition is denied. The decision is final as to this court immediately. (Cal. Rules of Court, rule 8.264(b)(3). Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Thursday, March 13, 2008 (continued)

Division Four

A117913 – John T. Emanuele et al. v. Robert H. Bisno et al.

Emanuele's motion to dismiss the appeal as frivolous is denied. The judgment is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A118671 – The People v. Ezra McDaniel.

The judgment is affirmed. The Marin County Superior Court is directed to prepare an amended abstract of judgment accurately reflecting the crime of which defendant was convicted and to forward the amended abstract of judgment to the Department of Corrections. Rivera, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

A119825 – In re Alexander N., a Person Coming Under the Juvenile Court Law. The People v. Alexander N.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A115194 – The People v. Juan Ramon Velasquez.

The judgment is affirmed. Ruvolo, P.J., Reardon, J., Sepulveda, J. (Not for Publication.)

A119395 – In re Robert H., a Person Coming Under the Juvenile Court Law. The People v. Robert H.

The orders are affirmed. Needham, J. We Concur: Jones, P.J., Stevens, J.* (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, March 14, 2008

Division One

A117372 – In re Brandon B., a Person Coming Under the Juvenile Court Law. The People v. Brandon B.

The finding the minor violated section 647.6 is supported by evidence. The determination of wardship is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Four

A117408 – The People v. Joseph Sample.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A118938 – The People v. Justin Murice Francois.

The Court: On the court's own motion, it is ordered that the opinion filed herein on March 11, 2008, be modified as follows: (See order.) Reardon, Acting P.J. (Not for Publication.)

A116965 – In re W.B. Jr., a Person Coming Under the Juvenile Court Law. San Francisco County Department of Human Services v. W. B., Sr.

The order is affirmed. Rivera, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

Monday, March 17, 2008

Division One

A118593 – Aschilew Jember et al. v. Addis Alemu et al.

The judgment of the trial court is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

Division Three

A117506 – In re Landen R., a Person Coming Under the Juvenile Court Law. The People v. Landen R.

The order sustaining the petition is reversed as to count I and in all other respects is affirmed. Siggins, J. We Concur: McGuiness, P.J., Horner, J.* (Not for Publication.)

A113621 – The People v. Walter Ozell Cooper, Sr.

The judgment is affirmed. Horner, J.* We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

A116180 – The People v. Andre Combs.

The judgment is affirmed. Pollak, Acting P.J. We Concur: Siggins, J., Horner, J.* (Not for Publication.)

Division Four

A115621 – The People v. Ricky Cruz.

The judgment is affirmed. Sepulveda, J. We Concur: Ruvalo, P.J., Reardon, J. (Not for Publication.)

A119621 – In re Mark B., a Person Coming Under the Juvenile Court Law. The People v. Mark B.

The dispositional order is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, March 18, 2008

Division One

A117191 – In re Andrew R., a Person Coming Under the Juvenile Court Law. The People v. Andrew R.

The dispositional order of March 20, 2007, is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Two

A115463 – The People v. James Taveras.

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A115317 – The People v. Karl Kinchen.

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

A116314 – In re Julian J., a Person Coming Under the Juvenile Court Law. Solano County Department of Health and Social Services v. Derrick J.

The orders appealed from are reversed and the case is remanded to the juvenile court with directions to order the Department to comply with the notice provisions of ICWA and the relevant case law interpreting ICWA, and to file all required documentation with the juvenile court. The juvenile court shall hold a new hearing, with notice to the parents, to determine whether the Department has made proper inquiry and complied with the notice provisions of ICWA. If, after proper notice, a tribe claims Julian is an Indian child, the juvenile court shall proceed in conformity with all provisions of ICWA. If, on the other hand, no tribe claims that Julian is an Indian child, the juvenile court shall reinstate the orders denying appellant's section 388 petition and terminating his parental rights. Haerle, J. We Concur: Kline, P.J., Richman, J. (Not for Publication.)

Tuesday, March 18, 2008 (continued)

Division Three

A103031 – Aram Sohiguan et al. v. City of Oakland.

The appeal is dismissed. Siggins, J. We Concur: McGuinness, P.J., Horner, J.*

A116690 – St. Vincent’s School for Boys. Catholic Charities CYO v. City of San Rafael.

The judgment is affirmed. St. Vincent’s shall bear costs on appeal. Horner, J.* We Concur: Pollak, Acting P.J., Siggins, J. (Certified for Partial Publication.)

A118845 – The People v. Eugene Hart.

The judgment is affirmed. The judgment is affirmed. Rivera, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

A117132 – In re D.V., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. M.V.

The order denying Mother’s section 388 petition is affirmed. The order terminating Mother’s parental rights and selecting adoption as D.V.’s permanent plan is affirmed. Ruvolo, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A117693 – In re Kim P., a Person Coming Under the Juvenile Court Law. The People v. Kim P.

The minute orders of May 3 and May 8, 2006, list an incorrect subdivision for count 3, trespass. The correct violation is Penal Code section 602, subdivision (l). As corrected, the orders are affirmed. Reardon, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

A116414 – The People v. Amy Swan.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Wednesday, March 19, 2008

Division One

**A118372 – In re Nicole S., a Person Coming Under the Juvenile Court Law.
Alameda County Social Services Agency v. Tracy S.**

The order terminating parental rights is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A114588 – Jerry Cheesman v. Vacaville Park Apartments et al.

The order dismissing the case is reversed. The order sustaining without leave to amend the demurrer to the causes of action for negligent infliction of emotional distress and constructive/retaliatory eviction is affirmed. The parties will bear their own costs on appeal.. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

A117034 – Estate of Kenneth Standish Oswald, Deceased. Miles S. Oswald v. Margaret S. Oswald et al.

We reverse the order confirming title to the disputed assets in the Trust and requiring distribution of the assets to Miles. We remand the matter to the trial court for entry of an order denying Miles's petition, and for any further proceedings that are consistent with the views expressed in this opinion. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Two

A113524 – Elsie Burke v. JP Morgan Chase & Company.

The judgment is affirmed. Costs on appeal are awarded to defendant, JP Morgan Chase & Company. Kline, P.J. We Concur: Haerle, J., Richman, J. (Not for Publication.)

Division Four

A119959 – The People v. Michael Alexander Ortega.

Judgment affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A112590 – North Pacifica LLC v. California Coastal Commission.

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Wednesday, March 19, 2008 (continued)

Division Four

A118475 – The People v. Thomas David Waiton.

The judgment is affirmed. Sepulveda, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

Division Five

A116917 – Mehdi Mohammadian et al. v. Neff Rental, Inc.

The judgment is affirmed. Neff shall recover its costs on appeal. Jones, P.J. We Concur: Simons, J., Needham, J. (Not for Publication.)

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

Wednesday, March 19, 2008

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J., Simons, J., Needham, Jr., J., Stevens, J.,* and Richard H. Sandvik, Deputy Clerk.

A115535 US Western Falun DaFa et al.,
A116307 v.
 Chinese Chamber of Commerce.
Cause called and argued by Roger Myers and Joseph M. Breall, counsel for appellant and cross-respondent, and by Randy Riddle, counsel for respondent and cross-appellant. Cause ordered submitted.

A117392 Matthew Orterry,
 v.
 Mt. Diablo Unified School District et al.
Cause called and argued by Mandy G. Leigh, counsel for appellant, and by Robyn D. Roberts, counsel for respondent. Cause ordered submitted.

A117236 In re Khiry J., a Person Coming Under the Juvenile Court Law.
 The People,
 v.
 Kahiry J.
Cause called and argued by Eleanor M. Kraft, counsel for appellant, argued via teleconference, and by Christopher W. Grove, counsel for respondent. Cause ordered submitted.

A118238 Tenet/Doctors Medical Center,
 v.
 Worker's Compensation Appeals Board,
 Bonnie Reddick.
Cause called and argued by Barry Lesch, counsel for appellant, and by David Rockwell, counsel for respondent. Cause ordered submitted.

At this point in the proceedings Justice Needham left the bench and Justice Stevens entered.

A115297 Pacific Bell Telephone Company,
 v.
 Lyles Diversified Inc.

Cause called and argued by Fred M. Blum, counsel for appellant, and by Kevin M. Fong, counsel for respondent. Cause ordered submitted.

A114764 The People,
v.
McKenzie Ray Crawford.
Cause called and argued by Oliver J. Northup, counsel for appellant, and by Jeffrey M. Laurence, counsel for respondent. Cause ordered submitted.

At this point in the proceedings Justice Simons left the bench and Justice Needham entered.

A115057 Daniel J. Capon,
v.
David Salma et al.
Cause called and argued by Renee G. Chantler, counsel for appellant, and by Janet Brayer, counsel for respondent. Cause ordered submitted.

A117076 The People,
v.
Armondo Monter Jacinto.
Cause called and argued by Stephanie L. Clarke, counsel for appellant, and by Amy Haddix, counsel for respondent. Cause ordered submitted.

A119097 Julio Mestre,
v.
Nathaniel P. Ford, Sr.
Cause called and argued by Geoffrey Rotwein, counsel for appellant, and by Margaret W. Baumgartner, counsel for respondent. Cause ordered submitted.

At 12:49 p.m. the court recessed until 1:30 p.m.

*Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTE
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

Wednesday, March 19, 2008

Court reconvened at 1:30 p.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J., Simons, J., Needham, Jr., J., Stevens, J.,* and Richard H. Sandvik, Deputy Clerk.

- A116649 California Logistics,
v.
State of California.
Cause called and argued by Paul B. Justi, counsel for appellant, and by Paul D. Gifford, counsel for respondent. Cause ordered submitted.
- A117626 Alfred Bordessa et al.,
v.
Fritz Lanker et al.
Cause called and argued by Christopher M. Mazzia, counsel for appellant, and by Stephen L. Barbose, counsel for respondent. Cause ordered submitted.
- A117838 Stanley Sparks et al.,
v.
Metalclad Insulation.
Cause called and argued by Gary L. Brayton, counsel for appellant, and by Daniel B. Hoyer, counsel for respondent. Cause ordered submitted.
- A116543 Frederick C. Benson,
v.
Rhino Industries et al.
Cause called and argued by James R. Rose, counsel for appellant, and by Stephen Thomas, counsel for respondent. Cause ordered submitted.
- A117507 In re Narco M., a Person Coming Under the Juvenile Court Law.
The People,
v.
Narco M.
Cause called and argued by Paul R. Kleven, counsel for appellant, and by Jeffrey M. Bryant, counsel for respondent. Cause ordered submitted.

A119085 In re Ronnie Gene Bush

On Habeas Corpus

Cause called and argued by Steven Defilippis, counsel for petitioner, and by Amber Wipfler, counsel for respondent. Cause ordered submitted.

Court adjourned at 3:37 p.m.

*Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five,
assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, March 20, 2008

Division One

A118482 – The People v. Juan Espino.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A113034 – 1100 Park Lane Associates v. Konrad Feldman et al. Konrad Feldman et al. v. 1100 Park Lane Associates et al.

The Court: Order Certifying Opinion for Publication. The opinion in the above-entitled matter filed on February 25, 2008, was not certified for publication in the Official Reports. For good cause it not appears that the opinion should be published in the Official Reports and it is so ordered. Listing of counsel for the Official Reports is attached hereto. Kline, P.J. (Certified for Publication.)

A113325 – Terry Dickinson v. California Department of Corrections and Rehabilitation et al.

The order granting the new trial is affirmed. Richman, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Three

A117739 – The People v. Douglas Roy Taylor.

The judgment is affirmed. McGuiness, P.J. We Concur: Siggins, J., Horner, J.* (Not for Publication.)

* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, March 20, 2008 (continued)

Division Four

A116891 – The People v. Joel Martin Langan.

The judgment is modified to impose laboratory analysis fees and related penalties and assessments in a total amount of \$425, and to impose drug program fees and related penalties and assessments in the total amount of \$1,275, as set forth in more detail herein. The judgment is affirmed as modified. The trial court is directed to amend the abstract of judgment to set forth the fines and accompanying penalties in a manner consistent with the calculations herein (see *People v. High* (2004) 119 Cal.App.4th 1192, 1200-1201), and to forward a certified copy of the amended abstract to the Department of Corrections. Rivera, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Division Five

A116805 – The People v. Genea Tamira Johns.

The portion of the order granting probation that requires appellant to pay the costs of probation pursuant to section 1203.1b is vacated. The case is remanded to the trial court for the redetermination of probation-related costs as discussed in the opinion. In addition, the order granting probation is modified to reflect a \$20 court security fee for each of appellant's two convictions. The order placing defendant on probation is otherwise affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J.* (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, March 21, 2008

Division One

A117494 – California Sportfishing Protection Alliance et al. v. State Water Resources Control Board et al.

Accordingly, the order is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Certified for Publication.)

A119020 – In re D.M., a Person Coming Under the Juvenile Court Law. The People v. D.M.

The dispositional order is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Two

A118418 – Advertising Display Systems 1, LLC v. City and County of San Francisco et al.

The judgment is reversed. ADS is awarded the costs of appeal. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Four

A117495 – The People v. Ryan Jeffrey Garrett.

The judgment is affirmed. Rivera, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

A118450 – In re Logan P., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Stephanie B.

The orders are affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Friday, March 21, 2008 (continued)

Division Five

**A118904 – In re R.R. et al., Persons Coming Under the Juvenile Court Law.
Alameda County Social Services Agency v. H.R., RR et al.**

In Minor's appeal, we affirm the juvenile court's August 10 orders without prejudice to Minor's right to raise their objections in the future should the issues become ripe. In Father's cross-appeal, the juvenile court's order is affirmed. Simons, J. We Concur: Jones, P.J., Needham, J. (Not for Publication.)

A119369 – The People v. Ronny Harris.

The judgment is affirmed. Simons, Acting P.J. We Concur: Needham, J., Stevens, J.*
(Not for Publication.)

A117838 – Stanley Sparks and Linda Sparks c. Metalclad Insulation Corporation.

The judgment is vacated and the order granting summary judgment is reversed.
Appellants shall recover their costs on appeal. Needham, J. We Concur: Simons, Acting P.J., Stevens, J.* (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Monday, March 24, 2008

Division One

A117696 – The People v. Michael Allen Morrow.

The order for extended commitment is reversed. The trial court is directed, with respect to the section 1026.5 petition, to require the People to prove their case beyond a reasonable doubt, and to consider whether defendant has a serious difficulty controlling his potentially dangerous behavior (Galindo, supra, 142 Cal.App.4th 531), in addition to whether he poses a substantial danger of physical harm to others. If the section 1026.5 petition were granted, the court is directed to order an extended term ending on April 11, 2009; and the court should also consider and rule on defendant's section 1026.2 petition. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

A115292 – The People v. Randall Lewis Stonom.

The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

Division Two

A118237 – In re Damone L., a Person Coming Under the Juvenile Court Law. San Francisco Department of Human Services v. Betsabet P.

The judgment is reversed. Kline, P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

Division Four

A115967 – Andrew Solow v. Elaine O'Brien.

The judgment is affirmed. O'Brien's motion for sanctions is denied. Reardon, J. We Concur: Ruvolo, P.J., Sepulveda, J.

Division Five

A118238 – Tenet /Doctors Medical Center, etc., et al. v. Workers' Compensation Appeals Board and Bonnie Reddrick.

The decision of the Board is affirmed. Costs on appeal are awarded to respondent Reddrick. Needham, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Tuesday, March 25, 2008

Division One

A115097 – The People v. Saul Briseno.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A112132 – D’Ambrosio Brothers Investment Company v. Peter O’Malley et al.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A117505 – In re Derrick B., a Person Coming Under the Juvenile Court Law. The People v. Derrick B.

The order of April 12, 2007 , is affirmed. Haerle, Acting P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

A117338 – Joseph Debro v. Turner Construction Company.

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

Division Three

A117142 – The People v. Benjamin Moreno.

The convictions are affirmed. The sentences are vacated and the matter is remanded for resentencing. McGuiness, P.J. We Concur: Siggins, J., Horner, J.* (Not for Publication.)

A116588 – Larnisse Tarlesson v. Washington Mutual et al.

The judgment is affirmed. Siggins, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A114651 – Palm Medical Group, Inc. v. State Compensation Insurance Fund.

The judgment entered pursuant to the order granting judgment notwithstanding the verdict is reversed, and the trial court shall enter judgment for Palm in accordance with the jury verdict. Palm is to recover its costs on appeal. Pollak, J. We Concur: McGuiness, P.J., Horner, J.* (Certified for Publication.)

* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, March 25, 2008 (continued)

Division Three

A118375 – Los Angeles County Dependency Attorneys, Inc. v. Department of General Services; Kenneth Krekorian et al., R.P.I.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Horner, J.* (Certified for Publication.)

* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, March 25, 2008

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P.J., Reardon, J., and Rivera, J.; Joy Washington, Deputy Clerk; CHP Officer Christian Oliver, Bailiff.

A114774 Charlton Clemmer et al.
A115133 v.
 John Crane, Inc.
 Causes called. Bary Endick argued for appellant John Crane, Inc. Gary Brayton argued for respondents. Causes submitted.

At this point, the court reconstituted itself to include Ruvolo, P.J., Reardon, J., and Sepulveda, J.,

A118276 Virginia Morton et al.
 v.
 City of Antioch
 Cause called. Matthew Haley argued for appellants Morton et al. Michael Estep argued for respondent. Cause submitted.

At this point, the court reconstituted itself to include Ruvolo, P.J., Sepulveda, J., and Rivera, J.

A117115 John Kast
 v.
 Anna Antonsson
 Cause called. In pro per appellant Antonsson argued. Kevin Giunguist argued for respondent. Cause submitted.

A113635 People
 v.
 Victoria Louise Green
 Cause called. Han Tran teleargued for appellant Green. Eric Share argued for respondent. Cause submitted.

A114956 Bay Area Cellular Telephone Co. etc. et al.
v.
City of Union City
Cause called. Joseph Quinn argued for appellant City. David Gross argued for respondents. Cause submitted.

Court recessed at 10:54 a.m.

Tuesday, March 25, 2008 (continued)

Division Five

A112463 – The People v. Ronnie Dean Jones.

The trial court is directed to modify the abstract of judgment in the following particulars. The sentence imposed on count eight is stayed and count eleven is a conviction of misdemeanor sexual battery, former section 243.4, subd. (d)(1). The total indeterminate sentence is 30 years to life. The judgment is otherwise affirmed. Stevens, J.* We Concur: Jones, P.J., Simons, J. (Not for Publication.)

**A119269 – In re Randolph M., a Person Coming Under the Juvenile Court Law.
The People v. Randolph M.**

The disposition is affirmed. Jones, P.J. We Concur: Simons, J., Stevens, J.* (Not for Publication.)

A119410 – The People v. Aaron Shawn Moultrie.

The judgment is affirmed. Jones, P.J. We Concur: Simons, J., Stevens, J.* (Not for Publication.)

A119085 – In re Ronnie Gene Bush, on Habeas Corpus.

The judgment is affirmed. Stevens, J.* We Concur: Jones, P.J., Needham, J. (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Wednesday, March 26, 2008

Division One

A117333 – Rudy P. Rodriguez v. JetBlue Airways Corporation.

The judgment of the trial court is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A118546 – Steven M. Krantz v. William M. Gwire.

The order denying the petition to compel arbitration is reversed, and the matter is remanded to the trial court for further proceedings consistent with this opinion. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

Division Two

A117307 – Conservatorship of the Estate of Delano Antonio Gonzalez. Lynda Beck, as Conservator, etc. v. Lytton Band of Pomo Indians.

The judgment is affirmed. Costs on appeal to respondent. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A116188 – Barbara E. Lane v. Richard T. Thomas et al.

The judgment is affirmed. Respondents are awarded their costs on this appeal. Kline, P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

A118960 – In re Steven M., a Person Coming Under the Juvenile Court Law. The People v. Steven M.

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

Division Three

A118703 – In re Institute of Religious Science, San Francisco. Norman Vortigy v. Board of Trustees, Institute of Religious Science, San Francisco.

The Court: The Petition for rehearing is denied. McGuinness, P.J.

Wednesday, March 26, 2008 (continued)

Division Five

A117381 – Mitchell J. Bilafer v. Martin J. Bilafer, Individually and as Trustee, etc., et al.

A118093 – Mitchell J. Bilafer v. Judith A. Doyle et al.

The trial court's orders denying Mitchell's petitions for lack of standing are reversed. The matter is remanded for determination of the merits of Mitchell's petitions. Mitchell is entitled to his costs on appeal. Simons, Acting P.J. We Concur: Needham, J., Stevens, J.* (Certified for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, March 27, 2008

Division One

A117119 – In re Antwon M., a Person Coming Under the Juvenile Court Law. The People v. Antwon M.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A116919 – Judith Murray et al. v. JRW Construction, Inc.

The judgment is affirmed. Costs on appeal to JRW. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A114238/A114570/A115782 – Ronald Sandy v. Exxon Mobil Corporation.

The judgment and the order denying the motion for judgment NOV are affirmed. Plaintiff shall recover his costs on appeal. Richman, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A116809 – The People v. Loyce Ray Caldwell.

The judgment is affirmed. Siggins, J. We Concur: Pollak, Acting P.J., Horner, J.* (Not for Publication.)

A119277 – In re H.C., a Person Coming Under the Juvenile Court Law. Humboldt County Department of Health & Human Services v. Ward M.

The orders of the juvenile court are affirmed. Horner, J.* We Concur: Pollak, Acting P.J., Siggins, J. (Not for Publication.)

A116444 – The People v. Rasheed Loveless.

The judgment is affirmed. McGuiness, P.J. We Concur: Pollak, J., Horner, J.* (Not for Publication.)

* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, March 27, 2008 (continued)

Division Three

A117182 – TSMC North America, et al. v. Semiconductor Manufacturing International Corporation, et al.

The order denying appellants' motion for an antisuit injunction is affirmed. Appellants shall bear costs on appeal. McGuiness, P.J. We Concur: Pollak, J., Siggins, J. (Certified for Publication.)

Division Four

A114030 – The People v. Sherrod Lamont Kearney.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A116569 – Jack D. Pavlovic, et al. v. Douglas Pratt, et al.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A117904 – In re the Marriage of Michael F. Schafle and Sharon Miros-Schafle.

The January 18, 2007 postjudgment order is affirmed. Sharon is entitled to her costs on appeal. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A115025 – The People v. Jose Luis Vogel-Leyva.

The order is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A118276 – Virginia Morton et al. v. City of Antioch et al.

The judgment is reversed as to the City and to Pacheco Brothers. Reardon, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Thursday, March 27, 2008 (continued)

Division Five

A119494 – The People v. Joseph Lawrence Clark.

The judgment is affirmed. Jones, P.J. We Concur: Needham, J., Stevens, J.* (Not for Publication.)

A119097 – Julio Mestre v. Nathaniel Ford, Sr., Executive Director of the San Francisco Municipal Transportation Agency, et al.

The judgment (order denying petition for writ of administrative mandamus) is affirmed. Costs are awarded to respondents. Needham, J. We Concur: Jones, P.J., Stevens, J.* (Not for Publication.)

A117626 – Alfred Bordessa, etc., as Co-trustees et al. v. Fritz Lanker, etc., as Trustees et al.

The April 13, 2007 order granting the preliminary injunction requested by the defendants and cross-complainants is affirmed. Stevens, J.* We Concur: Jones, P.J., Needham, J. (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, March 28, 2008

Division One

A118196 – In re K.S., a Person Coming Under the Juvenile Court Law. The People v. K.S.

The matter is remanded to the trial court for entry of a corrected minute order showing no conditions of probation. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A112698 – The People v. Raul Arturo Valle-Gallego.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A119413 – The People v. Twinette McNear.

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A116942 – James A. Moore, as Trustee, etc. v. Gregory S. Garetson.

The November 9, 2006 order approving the supplemental to the second account is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Two

A116592 – The People v. Robert A. Young.

The court's denial of defendant's motion to suppress evidence is affirmed. Lambden, J. We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A117121 – In re Robert C., a Person Coming Under the Juvenile Court Law. The People v. Robert C.

The order appealed from is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

Division Three

A118204 – In re Kiana J., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Donnelle M.

The order is reversed pursuant to the implicit stipulation of the parties. If after proper ICWA inquiry and notice has been given, the juvenile court determines that the ICWA does not apply, the order shall be reinstated. If any tribe determines that the child is an Indian child, within the meaning of the ICWA, the juvenile court shall conduct further proceedings in accordance with the ICWA. Pollak, J. We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

Friday, March 28, 2008 (continued)

Division Three

A120440 – Adrian R. v. The Superior Court of Lake County; Lake County Department of Social Services, R.P.I.

Let an extraordinary writ issue directing respondent court to vacate its order of January 8, 2008, bypassing reunification services and setting a section 366.26 hearing, and to conduct a new dispositional hearing consistent with this opinion. Our decision is final immediately. (Cal. Rules of Court, rule 8.264(b)(3).) Pollak, J. We Concur: McGuiness, P.J., Horner, J.* (Not for Publication.)

A116643 – Kenneth Johnson v. John Deere Landscapes.

The judgment is affirmed. Respondent shall recover its costs on appeal. McGuiness, P.J. We Concur: Siggins, J., Horner, J.* (Not for Publication.)

A118072 – In re Anthony B., a Person Coming Under the Juvenile Court Law. The People v. Anthony B.

The judgment is reversed. Horner, J.* We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

A115583 – In re Marc A. et al., a Person Coming Under the Juvenile Court Law. Sonoma County Human Services Department v. O.A.

The juvenile court's jurisdictional and dispositional orders are affirmed. Horner, J.* We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A115828 – Kelly Eoff v. Amici Cellars, Inc.

The judgment is affirmed. McGuiness, P.J. We Concur: Pollak, J., Horner, J.* (Not for Publication.)

A119021 – In re D.M., a Person Coming Under the Juvenile Court Law. Contra Costa County Children and Family Services Bureau v. Lavonna H.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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Friday, March 28, 2008 (continued)

Division Three

A117754 – In re D.S., a Person Coming Under the Juvenile Court Law. The People v. D.S.

The dispositional order is affirmed. Pollak, J. We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

A116815 – Estate of Frank P. Dito, Deceased. Terrence Merritt v. Elenice S. Dito.

The judgment is affirmed. McGuiness, P.J. We Concur: Siggins, J., Horner, J.* (Not for Publication.)

A118050 – Terry Y. Huey v. City and County of San Francisco.

The order denying Huey's writ petition is affirmed. Siggins, J. We Concur: McGuiness, P.J., Horner, J.* (Not for Publication.)

A116523 – Joseph and Mary Garza v. Asbestos Corporation, LTD.

The judgment is affirmed in all respects. ACL shall bear costs on appeal. Horner, J.* We Concur: McGuiness, P.J., Siggins, J. (Certified for Partial Publication.)

A116096 – The People v. Ronnie August Johnson.

The order of commitment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Horner, J.* (Not for Publication.)

A118704 – In re Tyree H., a Person Coming Under the Juvenile Court Law. The People v. Tyree H.

The juvenile court's order is affirmed. Horner, J.* We Concur: Pollak, Acting P.J., Siggins, J. (Not for Publication.)

A117661 – In re Brandon B., a Person Coming Under the Juvenile Court Law. The People v. Brandon B.

The juvenile court's jurisdictional finding and dispositional order are affirmed. Horner, J.* We Concur: Pollak, Acting P.J., Siggins, J. (Not for Publication.)

* Judge of Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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Friday, March 28, 2008 (continued)

Division Four

A116049 – The People v. Michael Jones.

The judgment is affirmed. Ruvolo, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A115416 – The People v. Floyd Shunday Hall.

The judgment is reversed. The strike and prior serious felony conviction enhancements are stricken. The matter is remanded to the trial court, which is ordered to issue an amended abstract of judgment. As modified, the judgment is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A118713 – In re the Marriage of Karen M. Valdez and Norman J. Valdez, Jr. Karen M. Valdez v. Norman J. Valdez, Jr.

The August 10, 2007 order denying modification of child support is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

A113327/A114548 – Fabian Cappa v. Crosstest, Inc., et al.

The judgment is reversed as to Cappa's causes of action for wage law violations and unfair business practices. The judgment on the cross-complaint is reversed. The judgment awarding attorney fees is reversed. In all other respects, the judgment is affirmed. The parties shall bear their own costs on appeal. Rivera, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

Division Five

A115394 – The People v. David Dave Davenport, III.

The Court: It is ordered that the opinion filed herein on March 7, 2008, be modified as follows: (See order.) There is no change in the judgment. Respondent's petition for rehearing is denied. Simons, Acting P.J. (Not for Publication.)